

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 9:23-cv-80488-RLR

GREAT BOWERY INC.,)
Plaintiff,)
v.)
CONSEQUENCE SOUND LLC, and)
CONSEQUENCE MEDIA GROUP,)
Defendants.)

)

**DECLARATION OF ANDERSON J. DUFF IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

I, Anderson J. Duff, declare as follows:

1. I am an attorney admitted *pro hac vice* to practice before the United States District Court for the Southern District of Florida.
2. I represent Defendants Consequence Sound LLC and Consequence Media Group (together "Defendants") in the above-captioned action.
3. Attached as **Exhibit A** is a true and correct copy of the registration certificate produced by Plaintiff for Copyright Registration No. VA 2-056-929 cited in paragraph 16 of Plaintiff's Complaint.
4. Attached as **Exhibit B** is a true and correct copy of the registration certificate produced by Plaintiff for Copyright Registration No. VA 2-111-252 cited in paragraph 20 of Plaintiff's Complaint.

5. Attached as **Exhibit C** is a true and correct copy of the Copyright Office records produced by Plaintiff for Copyright Registration No. VA 2-192-380 cited in paragraph 24 of Plaintiff's Complaint.

6. Attached as **Exhibit D** is a true and correct copy of the subpoena Defendants served on Advance Magazine Publishers Inc. ("Advance Magazine Publishers") on March 8, 2024.

7. Attached as **Exhibit E** is a true and correct copy of the January 1, 2015 agreement between Condé Nast and AL Studio LLC ("AL Studio") produced by Advance Magazine Publishers. I also obtained the agreement shown in Exhibit E from the public filings in *Great Bowery, Inc. v. Cascade Digital Media LLC*, Case No. 6:20-cv-00009-MK (D. Or.).

8. Attached as **Exhibit F** is a true and correct copy of the April 1, 2018 agreement between Condé Nast and AL Studio produced by Advance Magazine Publishers.

9. Attached as **Exhibit G** is a true and correct copy of the July 7, 2021 agreement between Condé Nast and AL Studio produced by Advance Magazine Publishers.

10. Attached as **Exhibit H** is a true and correct copy of the November 17, 2022 agreement between Condé Nast and AL Studio produced by Advance Magazine Publishers.

11. Attached as **Exhibit I** is a true and correct copy of Defendants' Second Set of Requests for Production to Plaintiff.

12. Attached as **Exhibit J** is a true and correct copy of Plaintiff's written responses to Defendants' Second Set of Requests for Production, Requests for Admission, and Interrogatories.

13. Attached as **Exhibit K** is a true and correct copy of the November 12, 2014 Artist Agreement produced by Plaintiff.

14. Attached as **Exhibit L** is a true and correct copy of the June 12, 2018 Authorization Letter produced by Plaintiff.

15. I am familiar with the record created by the Parties in this matter, and nothing produced or exchanged during the discovery period indicates that the person who signed the Artist Agreement did so as Annie Leibovitz's duly authorized agent.

16. Attached as **Exhibit M** is a true and correct copy of the complaint filed by Plaintiff against a third party on January 2, 2020 in the District of Oregon asserting substantially similar claims.

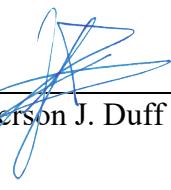
17. The Authorization Letter, Artist Agreement, and Condé Agreement dated January 1, 2015 were each produced by Plaintiff in the Oregon Action. Decl. Jonathan M. Hood at 2, 36, 62-78, 80, 81, *Great Bowery Inc. v. Cascade Digital Media LLC*, No. 6:20-cv-00009-MK (D. Or. Feb. 5, 2021), ECF No. 17.

18. I am familiar with the record created by the Parties in this matter, and nothing produced or exchanged during the discovery period shows a documented transfer of any rights in the Images from AL Studio to Leibovitz or Great Bowery.

19. I am familiar with the record created by the Parties in this matter, and nothing produced or exchanged during the discovery period shows a written communication from Leibovitz to Plaintiff providing any of the Images.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 10, 2024
New York, New York


Anderson J. Duff